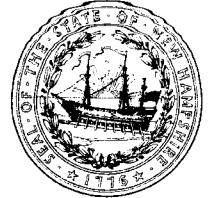




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

LETTER OF DEFICIENCY

No. WD SS 05-10

August 26, 2005

James F. Conway
Linda Conway
41 Tanglewood Drive
Henniker, NH 03242

RE: Septic System on Property in Center Harbor, NH

Dear Mr. and Ms. Conway:

On August 9, 2005, personnel from the Department of Environmental Services, Water Division ("DES") received a copy of a Petition to Quiet Title and For Declaratory Judgment to Abate Nuisance ("the Petition"), filed in the Belknap County Superior Court by James F. and Linda Conway against Mark A. Olsheskie, Trustee, and Lisa M. Olsheskie, Trustee. In paragraph 21 of the Petition, Mr. and Mrs. Conway assert that a septic system was installed on the Conway property, described as Lot # 81, on Tax Map # 6, and located on Lake Waukegan, Center Harbor, NH, 03226 ("the Property"). Paragraph 21 further states that the septic system was partially installed on the abutting property.

Pursuant to RSA 485-A:29, I, RSA 485-32, I, and Env-Ws 1008.04, the following deficiencies are noted:

1. No permit was ever issued for this septic system by DES.
2. There is no indication as to whether the system was installed by a licensed septic designer.
3. The system was installed closer than 10 feet to the abutting property line.
4. A portion of the system was installed on an abutting property without obtaining a sewer easement.

DES expects the above deficiencies to be permanently corrected within 60 days by initiating and completing the following measures:

1. Engage a permitted septic system designer to prepare and submit septic system plans and specifications to DES for the

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

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DES Web site: www.des.nh.gov

total waste load generated on the Property.

2. Obtain approval to construct the system.
3. Construct and obtain approval to cover and use the system.
4. Operate and maintain the system in accordance with NH Administrative Rule Env-Ws 1023.

DES believes the cited deficiencies will be corrected within 60 days and a report describing the corrective measures can be submitted to this office within 60 days of receipt of this letter.

In the event compliance is not achieved within this period, DES may take further action against you, including issuing an order requiring the above items to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties. In addition, DES personnel will inspect the Property at a later date to determine whether you have come into, and are maintaining, full compliance with all applicable statutes and directives.

The written report as requested above should be addressed as follows:

Richard J. de Seve, SSB, DES
Department of Environmental Services
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Your prompt cooperation is appreciated. Should you have any questions regarding this letter, please contact Richard J. de Seve at 271-3442.

Sincerely,

 **COPY**

William E. Evans, P.E.
Administrator
Subsurface Systems Bureau

WEE/RJD

CERTIFIED MAIL 7099 3400 0002 9773 0550

Cc: James G. Falicon, SSB, DES
Gretchen C. Hamel, Enforcement Coordinator, DES ✓
Board of Selectmen, Town of Center Harbor
Richard J. de Seve, SSB, DES